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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

18 FEB 1994

Docket 5  
Rm 5202

93-61

IN REPLY REFER TO:  
7310-02/1700A1

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MAR 30 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

DOCKET FILE COPY ORIGINAL

Honorable J. Bennett Johnston, Jr.  
United States Senate  
136 Hart Senate Office Building  
Washington, D.C. 20510-1802

Dear Senator Johnston:

Thank you for your letter of January 24, 1994, regarding an FCC rule making proceeding concerning use of the 902-928 MHz band. Your inquiry was submitted on behalf of Mr. Michael Eckstein and expressed concern about the future availability of this frequency band for use by manufacturers and users of Part 15 devices. The following is a brief description of the use of the 902-928 MHz band and a brief summary of the Notice of Proposed Rule Making adopted in this proceeding.

The 902-928 MHz band is shared by various user groups. In order to effectively manage the shared use of this spectrum, priorities for access to this band have been established among these groups. Users with lower priority must accept interference from and may not cause interference to users that have a higher priority. The 902-928 MHz band is primarily allocated for use by the Federal Government for Radiolocation, Fixed and Mobile services; these Federal Government users must, however, accept interference from Industrial, Scientific, and Medical (ISM) devices. Following both the Federal Government and ISM devices on the priority scale are Automatic Vehicle Monitoring (AVM) systems. Next are Amateur radio operators and finally, Part 15 users that are eligible to operate in this band. Because they have the lowest priority, Part 15 users must accept interference from and are not permitted to cause interference to any of the other users in this band. The order of priorities for users of this band has been in effect for nearly 20 years.

In PR Docket No. 93-61 the FCC has proposed certain changes to rules pertaining to AVM systems operating in the 902-928 MHz band. See, Notice of Proposed Rule Making, PR Docket No. 93-61, 8 FCC Rcd 2502 (1993). Uses for AVM systems include locating and tracking fleets of vehicles, locating stolen vehicles, alerting authorities to emergencies, automated toll collection, and freight tracking. Currently, such systems are licensed in the 904-912 and 918-926 MHz sub-bands. In PR Docket No. 93-61 the Commission proposes that such systems be licensed throughout the entire 902-928 MHz band and that they be permitted to locate persons as well as vehicles.

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Honorable J. Bennett Johnston, Jr.

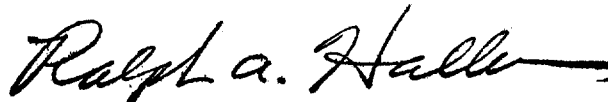
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In this rule making proceeding the Commission has recognized the difficulty various users may have in sharing this band and has therefore requested comment on ways that sharing may be more easily facilitated. The Commission has not, however, proposed any changes in the status of or restrictions on the use of Part 15 devices in this band at this time.

Approximately 85 entities have filed extensive comments expressing their viewpoints on how to resolve the various and complex issues raised in the Notice. Many commenters' views differ in a number of respects from those offered by the Commission, and the Commission will give full consideration to the views expressed by all interested parties. We are currently preparing a Report and Order that will establish the Commission's rules and policies with regard to AVM systems and hope to announce the adoption of this Report and Order in the near future.

I thank you again for your interest in this matter and, while I do not want to prejudice the Commission's decisions in this proceeding, I can assure you that we shall carefully consider the concerns raised in your letter in our deliberations.

Sincerely,

A handwritten signature in cursive script that reads "Ralph A. Haller". The signature is written in dark ink and includes a horizontal flourish at the end.

Ralph A. Haller  
Chief, Private Radio Bureau

Enclosure

J. BENNETT JOHNSTON  
LOUISIANA

United States Senate

WASHINGTON, DC 20510-1802

January 24, 1994

Ms. Lauren J. Belzin  
Federal Communications Commission  
Legislative Affairs  
1919 M Street, N.W., Room 808  
Washington, D.C. 20554

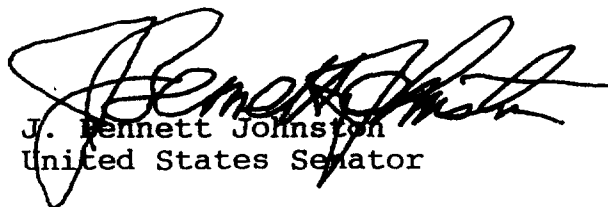
Dear Ms. Belzin:

Because of my desire to be responsive to all inquiries, I respectfully request your consideration of the enclosed material.

I will appreciate your findings and views, in duplicate form, along with the return of the enclosures by February 23, 1994.

With kindest regards, I am

Sincerely,

  
J. Bennett Johnston  
United States Senator

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Enclosure

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MICHAEL L. ECKSTEIN

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MICHAEL L. ECKSTEIN\*

\*LL.M. IN TAXATION  
BOARD CERTIFIED TAX ATTORNEY

November 16, 1993

The Honorable J. Bennett Johnston, M.C.  
United States Senate  
136 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Johnston:

I wanted to make you aware of a recent development at the FCC which greatly impacted two of my clients based in New Orleans, Axonn Corporation and Life Point Systems, Inc.

Several years ago, the FCC encouraged entrepreneurial companies to develop state of the art technology to operate "license-free" in the 900 MHz part 15 ban. My clients were very successful in developing a spread spectrum, wireless technology which has been patented and licensed to many companies throughout the country including AT&T Security, Domestic Automation Corporation and others. After developing and exploiting this technology for the past eight years, the FCC is proposing rule changes which will greatly impact my client and potentially endanger the employment of over thirty people presently working for the companies. More particularly, the FCC has proposed a rule change to permit Pac Tel Teletrack to deploy high powered, licensed technology (foreign developed) in over 60% of the spectrum currently occupied by part 15 equipment. These changes will cause a tremendous amount of interference for all part 15 users and jeopardize the further exploitation of our technology. The commission's proposed action will seriously undermine the domestic industry that developed technology to use in the 900 MHz part 15 ban and will result in a loss of sales, a reduction in the work force and a lesser amount of research and development in these areas.

In view of the importance of these issues to my clients, I request that you please contact the chairman of the FCC and confirm the importance of discontinuing this course of action that will adversely impact the U.S. domestic telecommunications industry.

November 16, 1993

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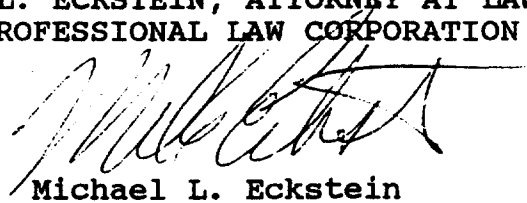
If I can be of any further assistance or if I can provide you with any additional information, please do not hesitate to call. I very much appreciate your considerations in this matter.

With best regards, I remain,

Sincerely,

MICHAEL L. ECKSTEIN, ATTORNEY AT LAW  
A PROFESSIONAL LAW CORPORATION

By:



Michael L. Eckstein

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